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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

BEHZOD A. NEJAD,  
  
 Plaintiff,  
  
 v.

Case No. 06-6954 MHP

ALBERTO GONZALES, Attorney General of the  
 United States; MICHAEL CHERTOFF, Secretary  
 of the United States Department of Homeland  
 Security; EDUARDO AGUIRRE, Acting Director  
 of the Bureau of Citizenship and Immigration  
 Services; and DAVID STILL, Director of the San  
 Francisco District Office of the Bureau of  
 Citizenship and Immigration Services,  
  
 Defendants.

**STIPULATION TO DISMISS;  
 AND ~~PROPOSED~~ ORDER**

The plaintiff, by and through his attorney of record, and defendants, by and through their attorneys of record, hereby stipulate, subject to approval of the Court, to dismissal of the above-entitled action in light of the following:

(1) The plaintiff is a native and citizen of Iran who was granted asylum by the United States Citizenship and Immigration Services (USCIS) on December 13, 1995.

(2) The plaintiff filed an application for naturalization with USCIS on July 30, 2002.

(3) On November 7, 2006, the plaintiff filed the instant complaint under 8 U.S.C. § 1447(b), which provides that if the USCIS has failed to make a determination on an individual's

1 application for naturalization within 120 days after the date on which the applicant is examined,  
 2 the applicant may apply to the United States District Court for a hearing on the matter, and the  
 3 District Court “may either determine the matter or remand the matter, with appropriate  
 4 instructions, to the Service to determine the matter.” 8 U.S.C. § 1447(b).

5 (4) On or about March 12, 2007, the USCIS issued a Notice of Intent to Terminate Asylum  
 6 Status, informing the plaintiff of the agency’s intent to terminate his asylum status based on  
 7 allegations of fraud and advising the plaintiff of his right to present evidence at a hearing to  
 8 establish that he is still eligible for asylum.

9 (5) On March 19, 2007, the parties filed a stipulation, asking this Court to place the instant  
 10 case in abeyance pending a decision by USCIS on whether to terminate the plaintiff’s asylee status  
 11 because if USCIS terminates the plaintiff’s asylee status, this case will be moot.

12 (6) On March 21, 2007, this Court signed the parties’ stipulation.

13 (7) The USCIS terminated the plaintiff’s asylum status effective June 14, 2007. A copy of the  
 14 termination notice is attached to this stipulation.

15 (8) In light of the fact that USCIS has terminated the plaintiff’s asylum status, the parties  
 16 agree that this Court should dismiss this case as moot.

17 (9) Each of the parties shall bear their own costs and fees.

18  
 19 Dated: October 29, 2007

/s/  
 NEDA A. ZAMAN  
 Attorney for Plaintiff

21 Dated: October 29, 2007

/s/  
 EDWARD A. OLSEN  
 Assistant United States Attorney  
 Attorney for Defendants

## 24 ORDER

25 Pursuant to stipulation, IT IS SO ORDERED.

26  
 27 Date: 10/30/2007

28  
 STIPULATION TO DISMISS  
 C06-6954 MHP

